

ASSEMBLY BILL

No. 1219

Introduced by Assembly Member Jones

February 23, 2007

An act to add Sections 5003.16 and 5080.41 to the Public Resources Code, to amend Section 9 of Chapter 731 of the Statutes of 1998, and to amend Section 10 of Chapter 974 of the Statutes of 2002, relating to state property, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 1219, as introduced, Jones. State property.

(1) Existing law requires the Department of Parks and Recreation to operate, manage, and maintain units of the state park system.

This bill would authorize the Director of the Department of Parks and Recreation, with the approval of the Director of General Services, to exchange with or sell to the City of Sacramento for fair market value specified property located in Old Sacramento State Historic Park that is part of the Old Sacramento Historic District in the City of Sacramento. The bill would specify conditions under which this property may be exchanged, sold, or transferred, and how the proceeds from a transfer may be used.

(2) Existing law authorizes the Department of Parks and Recreation to enter into an agreement with an agency of the United States, a city, county, district, or other public agency, or any combination thereof, for the care, maintenance, administration, and control of lands of the state park system.

This bill would authorize the department, until January 1, 2014, to enter into an operating agreement with a nonprofit organization for the development, improvement, restoration, care, maintenance,

administration, and control of a children's museum on the 1849 scene site in Old Sacramento State Historic Park in the City of Sacramento.

The bill would require the department to notify each Member of the Legislature in whose district Old Sacramento State Historic Park is located if it intends to enter into an operating agreement under the bill. The bill does not authorize the demolition of specified existing 1849 scene site buildings.

(3) Existing law authorizes the Director of General Services, with the concurrence of the Adjutant General, to lease to the Diocese of Sacramento for 7 years specified real property, known as the 58th Street Armory, for purposes of constructing a parking lot, and with the approval of the Military Department and the State Public Works Board, to convey to the Roman Catholic Bishop, Sacramento, that property for consideration, as provided, under the terms and conditions that the Director of General Services determines to be in the best interest of the state.

This bill would extend the lease period from 7 to 11 years and authorize the Director of General Services, with the approval of the Military Department and the State Public Works Board, to grant to the Roman Catholic Bishop, Sacramento, an option to purchase or a lease with option to purchase, or exchange for real property, the specified real property. The bill would require the option to be exercised within 90 days from completion of a replacement facility, as provided, and the net proceeds of any moneys received from the disposition of the property to be deposited in the Armory Fund for appropriation by the Legislature, subject to Section 9 of Article III of the California Constitution that requires that the net proceeds from the sale of surplus state property be deposited into the Deficit Recovery Bond Retirement Sinking Fund Subaccount.

The net proceeds from the sale of specified property would be deposited in the Deficit Recovery Bond Retirement Sinking Fund Subaccount, a continuously appropriated Subaccount in the Budget Stabilization Account, thereby making an appropriation.

(4) The bill would exempt the lease extension relating to the 58th Street Armory and the sale, lease or transfer of the that property from specified provisions of the California Environmental Quality Act.

Vote: $\frac{2}{3}$. Appropriation: yes. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. The Legislature hereby finds and declares all of the following:

(a) The 1849 scene site in Old Sacramento State Historic Park in the City of Sacramento is uniquely situated for the development of a Sacramento regional children's museum in that the site is all of the following:

(1) Located in the center of the Sacramento region.

(2) Located in the heart of the region's downtown and business core.

(3) Located in Old Sacramento State Historic Park, which is a destination state park and national historic district for tourists from throughout the world.

(4) Adjacent to the California State Railroad Museum, which itself is a major regional destination for families and tourists alike.

(b) The site is not suitable for any other facility that would address a core mission of the state, and therefore its use for a children's museum would not deprive the state of land that could be used to address core state functions.

(c) The state does not provide children's museums as a part of its core mission and therefore the use of the site by a nonprofit organization does not supplant an existing core state mission.

SEC. 2. Section 5003.16 is added to the Public Resources Code, to read:

5003.16. (a) Subject to subdivisions (b) to (g), inclusive, and notwithstanding the provisions of Division 3 (commencing with Section 11000) of Title 2 of the Government Code that relate to the disposition of state-owned real property, with the approval of the Director of General Services, the director may exchange with or sell to the City of Sacramento for fair market value all or part of the following described property located in Old Sacramento State Historic Park that is part of the Old Sacramento Historic District in the City of Sacramento:[PU 20050AB__278294AMD S2]

(1) PARCEL 1: APN 009-0012-048 (Docks).

(2) PARCEL 2: APN 009-0012-058 (Docks).

(3) PARCEL 3: APN 009-0012-059 (Docks).

(4) PARCEL 4: APN _____ (Railyards Riverfront).

(b) For the purpose of complying with the fair market value requirement of subdivision (a), the City of Sacramento shall be credited for any financial participation it contributes either toward a purchase by the state of a real property interest that benefits Old Sacramento State Historic Park, or in a development project by the state that benefits the Old Sacramento State Historic Park, or both. For the purpose of this subdivision, any purchase by the state shall be made at fair market value, and any development by the state shall be valued at fair market value.

(c) The transfer authorized in subdivision (a) shall require that the fair market value include consideration for any toxic remediation that needs to be performed on the parcels.

(d) No property authorized for transfer in subdivision (a) shall be exchanged or sold that would result in the origination or termination of train service south of the Riverside Bridge (APN 017-0010-048).

(e) Proceeds from the transfer authorized in subdivision (a) shall be used to finance the department's costs for negotiating the transfer and transferring the property.

(f) Any net proceeds from the transfer authorized in subdivision (a) shall be transferred to the bondholders of the Economic Recovery Bond Act (Title 18 (commencing with Section 99050) of the Government Code; Section 9 of Article III of the California Constitution).

(g) Before authorizing an exchange, sale, or transfer, the director shall secure an independent market valuation of the property authorized for transfer.[PU 20050AB__278294AMD S2]

SEC. 3. Section 5080.41 is added to the Public Resources Code, to read:

5080.41. (a) Until January 1, 2014, the department may enter into an operating agreement with a qualified nonprofit organization for the development, improvement, restoration, care, maintenance, administration, and control of a children's museum on the 1849 scene site in Old Sacramento State Historic Park in the City of Sacramento. The agreement shall include, but is not limited to, the following:[PU 20050AB__278294AMD S3]

(1) The district superintendent for the department shall provide liaison with the department, the nonprofit organization, and the public.

1 (2) The operating agreement shall specify the manner in which
2 the children's museum is proposed to be operated.

3 (3) The operating agreement shall address specifically the
4 appropriateness of the children's museum admission fee structure
5 and its effect on children's accessibility to the facility.

6 (4) All revenues received from the operation of the children's
7 museum shall be expended only for the care, maintenance,
8 operation, administration, improvement, or development of the
9 museum.

10 (5) In constructing the children's museum, the nonprofit
11 organization shall incorporate historical architectural features
12 consistent with buildings existing in Sacramento in the mid-1800s.

13 (b) Whenever the department intends to enter into an operating
14 agreement with respect to a children's museum on the 1849 scene
15 site in Old Sacramento State Historic Park in the City of
16 Sacramento, the department shall notify each Member of the
17 Legislature in whose district the unit is located of that intention.

18 (c) This section does not authorize the demolition of any of the
19 three existing 1849 scene site buildings recreated in Old
20 Sacramento State Historic Park in the City of Sacramento. Those
21 structures are known as the Eagle Theater, the Tehama Block
22 Building, and the Connecticut Mining and Trading (CM&T)
23 Company Building.[PU 20050AB__278294AMD S3]

24 SEC. 4. Section 9 of Chapter 731 of the Statutes of 1998 is
25 amended to read:

26 SEC. 9. (a) The Director of General Services, with the approval
27 of the ~~Department of the Military and the State Public Works Board~~
28 *Military Department and the State Public Works Board* may
29 ~~convey~~ grant to the Roman Catholic Bishop, Sacramento, a
30 corporation sole/St. Francis High School, *an option to purchase*
31 *or a lease with option to purchase, or exchange for real property,*
32 the real property located at 1013 58th Street in the City of
33 Sacramento, known as the 58th Street Armory, comprising
34 approximately six acres. ~~Consideration for exchange of the real~~
35 ~~property shall be~~ *The option shall be exercised within 90 days from*
36 *completion of a replacement facility of size and quality specified*
37 ~~by the Department of the Military Department. The replacement~~
38 *facility shall be* constructed to National Guard bureau criteria on
39 other state or federal lands available to the ~~Department of the~~
40 ~~Military and cash as necessary to equalize the transaction and~~

1 reimburse the Department of General Services for its costs. In the
2 event that the costs of design, appraisals, state administrative costs,
3 and construction exceed the value of the 58th Street Armory, the
4 Roman Catholic Bishop, Sacramento a corporation sole/St. Francis
5 High School, shall be obligated to pay the costs, and the state shall
6 have no obligation and shall not pay for any costs associated with
7 the replacement facility. The exchange agreement *Military*
8 *Department that have been certified by state for occupancy. The*
9 *option to purchase or lease with option to purchase, or exchange*
10 *for real property agreement* shall be under terms and conditions
11 that the Director of General Services determines to be in the best
12 interest of the state. ~~The exchange agreement shall not be effective~~
13 ~~until the improvements are certified by the state for occupancy,~~
14 ~~which shall not exceed three years from the date of the exchange~~
15 ~~agreement; however, this period may be extended in the event of~~
16 ~~damage, destruction, or acts of God. based on the fair market value~~
17 ~~of the property.~~

18 *(b) Subject to Section 9 of Article III of the California*
19 *Constitution, the net proceeds of any moneys received from the*
20 *disposition of properties described in subdivision (a) that are*
21 *armories under the jurisdiction of the Military Department shall*
22 *be deposited in the Armory Fund established pursuant to Section*
23 *435 of the Military and Veterans Code, and shall be available for*
24 *appropriation in accordance with that section.*

25 SEC. 5. Section 10 of Chapter 974 of the Statutes of 2002 is
26 amended to read:

27 SEC. 10. The Director of General Services, with the
28 concurrence of the Adjutant General, may lease to the *Diocese of*
29 *Sacramento-Archdiocese*, a corporation sole, for a period not to
30 exceed ~~seven~~ 11 years, approximately 1.4 acres of real property
31 located at 1013 58th Street in the City of Sacramento, in the County
32 of Sacramento, known as the 58th Street Armory, for purposes of
33 constructing a parking lot, upon terms and conditions deemed to
34 be in the best interest of the state.

35 SEC. 6. Notwithstanding any provision of law, the sale, lease,
36 or transfer of a parcel pursuant to Section 4 or 5 is exempt from
37 Chapter 3 (commencing with Section 21100) to Chapter 6

1 (commencing with Section 21165), inclusive, of Division 13 of
2 the Public Resources Code.

O